

CUSTOMS BULLETIN AND DECISIONS

**Weekly Compilation of
Decisions, Rulings, Regulations, Notices, and Abstracts
Concerning Customs and Related Matters of the
U.S. Customs Service
U.S. Court of Appeals for the Federal Circuit
and
U.S. Court of International Trade**

VOL. 31

APRIL 23, 1997

NO. 17

This issue contains:

U.S. Customs Service

T.D. 97-21 Through 97-28

General Notice

U.S. Court of International Trade

Notice

**DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE**

NOTICE

The decisions, rulings, regulations, notices and abstracts which are published in the CUSTOMS BULLETIN are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Office of Finance, Logistics Division, National Support Services Center, Washington, DC 20229, of any such errors in order that corrections may be made before the bound volumes are published.

**Please visit the U.S. Customs Web at:
<http://www.customs.ustreas.gov>**

U.S. Customs Service

Treasury Decisions

(T.D. 97-21)

RECORDATION OF TRADE NAME: "PHASE II,"

AGENCY: U.S. Customs Service, Department of the Treasury.

SUMMARY: On Tuesday, January 28, 1997, a notice of application for the recordation under Section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "PHASE II," used by Phase II Machine and Tool, Inc., a corporation organized under the laws of the State of New Jersey, located at 14 Caesar Place, Moonachie, New Jersey 07074, was published in the Federal Register (62 FR 4094). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than March 31, 1997. No responses were received in opposition to the notice.

Accordingly, as provided in Section 133.14, Customs Regulations (19 CFR 133.14), the name "**PHASE II,**" is recorded as the trade name used by **Phase II Machine and Tool Inc.,** located at 14 Caesar Place, Moonachie, New Jersey 07074.

The trade name is used in connection with advertising, business cards, stationery. The merchandise is manufactured all over the world, but primarily Asia.

EFFECTIVE DATE: April 9, 1997.

FOR FURTHER INFORMATION CONTACT: Delois P. Johnson, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW, (Franklin Court), Washington, D.C. 20229 (202-482-6960).

Dated: April 3, 1997.

JOHN F. ATWOOD,
Chief,

Intellectual Property Rights Branch.

[Published in the Federal Register, April 9, 1997 (62 FR 17284)]

(T.D. 97-22)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR MARCH 1997

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday: None.

Greece drachma:

March 1, 1997	\$.003778
March 2, 1997	.003778
March 3, 1997	.003749
March 4, 1997	.003719
March 5, 1997	.003724
March 6, 1997	.003713
March 7, 1997	.003706
March 8, 1997	.003706
March 9, 1997	.003706
March 10, 1997	.003734
March 11, 1997	.003743
March 12, 1997	.003748
March 13, 1997	.003731
March 14, 1997	.003745
March 15, 1997	.003745
March 16, 1997	.003745
March 17, 1997	.003747
March 18, 1997	.003788
March 19, 1997	.003765
March 20, 1997	.003752
March 21, 1997	.003762
March 22, 1997	.003762
March 23, 1997	.003762
March 24, 1997	.003760
March 25, 1997	.003749
March 26, 1997	.003743
March 27, 1997	.003774
March 28, 1997	.003767
March 29, 1997	.003767
March 30, 1997	.003767
March 31, 1997	.003774

South Korea won:

March 1, 1997	\$.001155
March 2, 1997	.001155
March 3, 1997	.001157
March 4, 1997	.001154
March 5, 1997	.001149
March 6, 1997	.001147
March 7, 1997	.001147
March 8, 1997	.001147

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
March 1997 (continued):

South Korea won (continued):

March 9, 1997	\$.001147
March 10, 1997	.001140
March 11, 1997	.001136
March 12, 1997	.001137
March 13, 1997	.001136
March 14, 1997	.001134
March 15, 1997	.001134
March 16, 1997	.001134
March 17, 1997	.001134
March 18, 1997	.001130
March 19, 1997	.001127
March 20, 1997	.001128
March 21, 1997	.001127
March 22, 1997	.001127
March 23, 1997	.001127
March 24, 1997	.001124
March 25, 1997	.001122
March 26, 1997	.001121
March 27, 1997	.001116
March 28, 1997	.001114
March 29, 1997	.001114
March 30, 1997	.001114
March 31, 1997	.001114

Taiwan N.T. dollar:

March 1, 1997	\$.036311
March 2, 1997	.036311
March 3, 1997	.036298
March 4, 1997	.036311
March 5, 1997	.036311
March 6, 1997	.036324
March 7, 1997	.036337
March 8, 1997	.036337
March 9, 1997	.036337
March 10, 1997	.036311
March 11, 1997	.036311
March 12, 1997	.036284
March 13, 1997	.036298
March 14, 1997	.036298
March 15, 1997	.036298
March 16, 1997	.036298
March 17, 1997	.036311
March 18, 1997	.036311
March 19, 1997	.036311
March 20, 1997	.036311
March 21, 1997	.036284
March 22, 1997	.036284
March 23, 1997	.036284
March 24, 1997	.036284
March 25, 1997	.036245
March 26, 1997	.036232
March 27, 1997	.036284
March 28, 1997	.036284

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for March 1997 (continued):

Taiwan N.T. dollar (continued):

March 29, 1997	\$0.036284
March 30, 1997 .....	.036284
March 31, 1997 .....	.036284

Dated: April 1, 1997.

FRANK CANTONE,
Chief,
Customs Information Exchange.

(T.D. 97-23)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR MARCH 1997

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in Treasury Decision 97-11 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday: None.

Austria schilling:

March 1, 1997	\$0.084196
March 2, 1997 .....	.084196
March 3, 1997 .....	.083805
March 4, 1997 .....	.082919
March 5, 1997 .....	.082967
March 6, 1997 .....	.082764
March 7, 1997 .....	.082679
March 8, 1997 .....	.082679
March 9, 1997 .....	.082679
March 10, 1997 .....	.083438
March 11, 1997 .....	.083396
March 12, 1997 .....	.083577
March 13, 1997 .....	.083313
March 14, 1997 .....	.083766
March 15, 1997 .....	.083766
March 16, 1997 .....	.083766
March 17, 1997 .....	.083984
March 18, 1997 .....	.084717
March 19, 1997 .....	.084424
March 20, 1997 .....	.084083

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

Austria schilling (continued):

March 21, 1997	\$.084133
March 22, 1997	.084133
March 23, 1997	.084133
March 24, 1997	.084157
March 25, 1997	.083928
March 26, 1997	.084016
March 27, 1997	.084757
March 28, 1997	.084602
March 29, 1997	.084602
March 30, 1997	.084602
March 31, 1997	.084731

Belgium franc:

March 1, 1997	\$.028719
March 2, 1997	.028719
March 3, 1997	.028563
March 4, 1997	.028289
March 5, 1997	.028313
March 6, 1997	.028233
March 7, 1997	.028209
March 8, 1997	.028209
March 9, 1997	.028209
March 10, 1997	.028490
March 11, 1997	.028458
March 12, 1997	.028506
March 13, 1997	.028417
March 14, 1997	.028563
March 15, 1997	.028563
March 16, 1997	.028563
March 17, 1997	.028694
March 18, 1997	.028969
March 19, 1997	.028802
March 20, 1997	.028662
March 21, 1997	.028703
March 22, 1997	.028703
March 23, 1997	.028703
March 24, 1997	.028719
March 25, 1997	.028637
March 26, 1997	.028662
March 27, 1997	.028885
March 28, 1997	.028877
March 29, 1997	.028877
March 30, 1997	.028877
March 31, 1997	.029053

Denmark krone:

March 1, 1997	\$.155424
March 2, 1997	.155424
March 3, 1997	.154679
March 4, 1997	.153046
March 5, 1997	.153092
March 6, 1997	.152718
March 7, 1997	.152648
March 8, 1997	.152648
March 9, 1997	.152648
March 10, 1997	.153941

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997 (continued):

Denmark krone (continued):

March 11, 1997	\$.153929
March 12, 1997	.154048
March 13, 1997	.153610
March 14, 1997	.154478
March 15, 1997	.154478
March 16, 1997	.154478
March 17, 1997	.154967
March 18, 1997	.156495
March 19, 1997	.155775
March 20, 1997	.155183
March 21, 1997	.155340
March 22, 1997	.155340
March 23, 1997	.155340
March 24, 1997	.155400
March 25, 1997	.154871
March 26, 1997	.155015
March 27, 1997	.156789
March 28, 1997	.156274
March 29, 1997	.156274
March 30, 1997	.156274
March 31, 1997	.157307

Finland markka:

March 1, 1997	\$.198807
March 2, 1997	.198807
March 3, 1997	.196885
March 4, 1997	.195771
March 5, 1997	.195313
March 6, 1997	.195313
March 7, 1997	.194932
March 8, 1997	.194932
March 9, 1997	.194932
March 10, 1997	.196734
March 11, 1997	.196444
March 12, 1997	.196792
March 13, 1997	.196541
March 14, 1997	.197281
March 15, 1997	.197281
March 16, 1997	.197281
March 17, 1997	.196754
March 18, 1997	.198020
March 19, 1997	.197628
March 20, 1997	.196595
March 21, 1997	.198373
March 22, 1997	.198373
March 23, 1997	.198373
March 24, 1997	.198295
March 25, 1997	.197902
March 26, 1997	.199203
March 27, 1997	.200666
March 28, 1997	.200666
March 29, 1997	.200666
March 30, 1997	.200666
March 31, 1997	.201796

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

France franc:

March 1, 1997	\$0.175654
March 2, 1997	.175654
March 3, 1997	.174566
March 4, 1997	.173040
March 5, 1997	.173025
March 6, 1997	.172756
March 7, 1997	.172697
March 8, 1997	.172697
March 9, 1997	.172697
March 10, 1997	.173989
March 11, 1997	.174080
March 12, 1997	.174171
March 13, 1997	.173614
March 14, 1997	.174789
March 15, 1997	.174789
March 16, 1997	.174789
March 17, 1997	.175316
March 18, 1997	.177091
March 19, 1997	.176097
March 20, 1997	.175454
March 21, 1997	.175602
March 22, 1997	.175602
March 23, 1997	.175602
March 24, 1997	.175716
March 25, 1997	.175193
March 26, 1997	.175346
March 27, 1997	.176929
March 28, 1997	.177007
March 29, 1997	.177007
March 30, 1997	.177007
March 31, 1997	.178047

Germany deutsche mark:

March 1, 1997	\$0.592698
March 2, 1997	.592698
March 3, 1997	.589379
March 4, 1997	.583635
March 5, 1997	.583839
March 6, 1997	.582343
March 7, 1997	.581734
March 8, 1997	.581734
March 9, 1997	.581734
March 10, 1997	.587165
March 11, 1997	.586992
March 12, 1997	.587544
March 13, 1997	.586338
March 14, 1997	.589553
March 15, 1997	.589553
March 16, 1997	.589553
March 17, 1997	.591611
March 18, 1997	.597693
March 19, 1997	.594212
March 20, 1997	.592066
March 21, 1997	.592347
March 22, 1997	.592347
March 23, 1997	.592347

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

Germany deutsche mark (continued):

March 24, 1997	\$0.592522
March 25, 1997	.590982
March 26, 1997	.591121
March 27, 1997	.596908
March 28, 1997	.595664
March 29, 1997	.595664
March 30, 1997	.595664
March 31, 1997	.599592

Ireland pound:

March 1, 1997	\$1.580000
March 2, 1997	1.580000
March 3, 1997	1.570000
March 4, 1997	1.565500
March 5, 1997	1.561000
March 6, 1997	1.559000
March 7, 1997	1.552100
March 8, 1997	1.552100
March 9, 1997	1.552100
March 10, 1997	1.556000
March 11, 1997	1.561500
March 12, 1997	1.555000
March 13, 1997	1.557500
March 14, 1997	1.564600
March 15, 1997	1.564600
March 16, 1997	1.564600
March 17, 1997	1.552500
March 18, 1997	1.565700
March 19, 1997	1.568300
March 20, 1997	1.565300
March 21, 1997	1.570600
March 22, 1997	1.570600
March 23, 1997	1.570600
March 24, 1997	1.575500
March 25, 1997	1.572300
March 26, 1997	1.573000
March 27, 1997	1.573000
March 28, 1997	1.578000
March 29, 1997	1.578000
March 30, 1997	1.578000
March 31, 1997	1.584000

Italy lira:

March 1, 1997	\$0.000592
March 2, 1997	.000592
March 3, 1997	.000591
March 4, 1997	.000585
March 5, 1997	.000586
March 6, 1997	.000588
March 7, 1997	.000587
March 8, 1997	.000587
March 9, 1997	.000587
March 10, 1997	.000591
March 11, 1997	.000590
March 12, 1997	.000590
March 13, 1997	.000589

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997 (continued):

Italy lira (continued):

March 14, 1997	\$0.000592
March 15, 1997	.000592
March 16, 1997	.000592
March 17, 1997	.000590
March 18, 1997	.000594
March 19, 1997	.000593
March 20, 1997	.000591
March 21, 1997	.000592
March 22, 1997	.000592
March 23, 1997	.000592
March 24, 1997	.000592
March 25, 1997	.000590
March 26, 1997	.000593
March 27, 1997	.000598
March 28, 1997	.000597
March 29, 1997	.000597
March 30, 1997	.000597
March 31, 1997	.000600

Japan yen:

March 4, 1997	\$0.008200
March 5, 1997	.008230
March 6, 1997	.008245
March 7, 1997	.008205
March 8, 1997	.008205
March 9, 1997	.008205
March 10, 1997	.008217
March 11, 1997	.008212
March 12, 1997	.008151
March 13, 1997	.008114
March 14, 1997	.008100
March 15, 1997	.008100
March 16, 1997	.008100
March 17, 1997	.008087
March 18, 1997	.008167
March 19, 1997	.008143
March 20, 1997	.008091
March 21, 1997	.008142
March 22, 1997	.008142
March 23, 1997	.008142
March 24, 1997	.008135
March 25, 1997	.008071
March 26, 1997	.008050
March 27, 1997	.008087
March 28, 1997	.008071
March 29, 1997	.008071
March 30, 1997	.008071
March 31, 1997	.008083

Netherlands guilder:

March 1, 1997	\$0.526870
March 2, 1997	.526870
March 3, 1997	.523972
March 4, 1997	.518807
March 5, 1997	.518995
March 6, 1997	.517384

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

Netherlands guilder (continued):

March 7, 1997	.....	\$0.516449
March 8, 1997	.....	.516449
March 9, 1997	.....	.516449
March 10, 1997	.....	.521594
March 11, 1997	.....	.521512
March 12, 1997	.....	.522193
March 13, 1997	.....	.520806
March 14, 1997	.....	.524109
March 15, 1997	.....	.524109
March 16, 1997	.....	.524109
March 17, 1997	.....	.525624
March 18, 1997	.....	.530645
March 19, 1997	.....	.527565
March 20, 1997	.....	.525624
March 21, 1997	.....	.526260
March 22, 1997	.....	.526260
March 23, 1997	.....	.526260
March 24, 1997	.....	.527009
March 25, 1997	.....	.525486
March 26, 1997	.....	.525486
March 27, 1997	.....	.530054
March 28, 1997	.....	.529717
March 29, 1997	.....	.529717
March 30, 1997	.....	.529717
March 31, 1997	.....	.533191

Norway krone:

March 1, 1997	.....	\$0.148659
March 2, 1997	.....	.148659
March 3, 1997	.....	.146098
March 4, 1997	.....	.143410
March 5, 1997	.....	.143895
March 6, 1997	.....	.144186
March 7, 1997	.....	.144196
March 8, 1997	.....	.144196
March 9, 1997	.....	.144196
March 10, 1997	.....	.146466
March 11, 1997	.....	.146778
March 12, 1997	.....	.147026
March 13, 1997	.....	.145985
March 14, 1997	.....	.146233
March 15, 1997	.....	.146233
March 16, 1997	.....	.146233
March 17, 1997	.....	.145932
March 18, 1997	.....	.146951
March 19, 1997	.....	.147754
March 20, 1997	.....	.147601
March 21, 1997	.....	.149198
March 22, 1997	.....	.149198
March 23, 1997	.....	.149198
March 24, 1997	.....	.148920

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

Portugal escudo:

March 1, 1997	.....	\$0.005889
March 2, 1997	.....	.005889
March 3, 1997	.....	.005868
March 4, 1997	.....	.005814
March 5, 1997	.....	.005813
March 6, 1997	.....	.005807
March 7, 1997	.....	.005801
March 8, 1997	.....	.005801
March 9, 1997	.....	.005801
March 10, 1997	.....	.005850
March 11, 1997	.....	.005850
March 12, 1997	.....	.005858
March 13, 1997	.....	.005845
March 14, 1997	.....	.005858
March 15, 1997	.....	.005858
March 16, 1997	.....	.005858
March 17, 1997	.....	.005879
March 18, 1997	.....	.005921
March 19, 1997	.....	.005900
March 20, 1997	.....	.005877
March 21, 1997	.....	.005889
March 22, 1997	.....	.005889
March 23, 1997	.....	.005889
March 24, 1997	.....	.005894
March 25, 1997	.....	.005870
March 26, 1997	.....	.005879
March 27, 1997	.....	.005924
March 28, 1997	.....	.005929
March 29, 1997	.....	.005929
March 30, 1997	.....	.005929
March 31, 1997	.....	.005959

South Africa, Republic of, rand:

March 4, 1997	.....	\$0.224719
March 5, 1997	.....	.224770
March 6, 1997	.....	.224417
March 10, 1997	.....	.225581
March 11, 1997	.....	.225606
March 12, 1997	.....	.227118
March 13, 1997	.....	.227221
March 14, 1997	.....	.225225
March 15, 1997	.....	.225225
March 16, 1997	.....	.225225
March 17, 1997	.....	.225632
March 18, 1997	.....	.226398
March 19, 1997	.....	.225912
March 20, 1997	.....	.225734
March 21, 1997	.....	.225785
March 22, 1997	.....	.225785
March 23, 1997	.....	.225785
March 24, 1997	.....	.225861
March 25, 1997	.....	.226326
March 26, 1997	.....	.226040
March 27, 1997	.....	.226168

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

South Africa, Republic of, rand (continued):

March 28, 1997	.....	\$0.225989
March 29, 1997	.....	.225989
March 30, 1997	.....	.225989
March 31, 1997	.....	.226193

Spain peseta:

March 1, 1997	.....	\$0.006974
March 2, 1997	.....	.006974
March 3, 1997	.....	.006948
March 4, 1997	.....	.006897
March 5, 1997	.....	.006894
March 6, 1997	.....	.006887
March 7, 1997	.....	.006868
March 8, 1997	.....	.006868
March 9, 1997	.....	.006868
March 10, 1997	.....	.006919
March 11, 1997	.....	.006917
March 12, 1997	.....	.006929
March 13, 1997	.....	.006920
March 14, 1997	.....	.006948
March 15, 1997	.....	.006948
March 16, 1997	.....	.006948
March 17, 1997	.....	.006962
March 18, 1997	.....	.007020
March 19, 1997	.....	.006995
March 20, 1997	.....	.006971
March 21, 1997	.....	.006993
March 22, 1997	.....	.006993
March 23, 1997	.....	.006993
March 24, 1997	.....	.006983
March 25, 1997	.....	.006957
March 26, 1997	.....	.006970
March 27, 1997	.....	.007039
March 28, 1997	.....	.007036
March 29, 1997	.....	.007036
March 30, 1997	.....	.007036
March 31, 1997	.....	.007075

Sweden krona:

March 1, 1997	.....	\$0.133495
March 2, 1997	.....	.133495
March 3, 1997	.....	.131841
March 4, 1997	.....	.130293
March 5, 1997	.....	.130753
March 6, 1997	.....	.130497
March 7, 1997	.....	.129988
March 8, 1997	.....	.129988
March 9, 1997	.....	.129988
March 10, 1997	.....	.131423
March 11, 1997	.....	.131105
March 12, 1997	.....	.130039
March 13, 1997	.....	.129997
March 14, 1997	.....	.128702
March 15, 1997	.....	.128702
March 16, 1997	.....	.128702
March 17, 1997	.....	.129282

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

Sweden krona (continued):

March 18, 1997	\$0.130039
March 19, 1997	.130259
March 20, 1997	.130548
March 21, 1997	.130967
March 22, 1997	.130967
March 23, 1997	.130967
March 24, 1997	.131113
March 25, 1997	.130412
March 26, 1997	.130822
March 27, 1997	.132468
March 28, 1997	.132013
March 29, 1997	.132013
March 30, 1997	.132013
March 31, 1997	.132626

Switzerland franc:

March 1, 1997	\$0.678656
March 2, 1997	.678656
March 3, 1997	.677048
March 4, 1997	.672405
March 5, 1997	.675128
March 6, 1997	.672948
March 7, 1997	.673310
March 8, 1997	.673310
March 9, 1997	.673310
March 10, 1997	.678794
March 11, 1997	.679071
March 12, 1997	.682314
March 13, 1997	.682967
March 14, 1997	.685777
March 15, 1997	.685777
March 16, 1997	.685777
March 17, 1997	.685636
March 18, 1997	.684686
March 19, 1997	.691133
March 20, 1997	.699941
March 21, 1997	.685166
March 22, 1997	.685166
March 23, 1997	.685166
March 24, 1997	.686625
March 25, 1997	.681431
March 26, 1997	.682547
March 27, 1997	.690131
March 28, 1997	.689417
March 29, 1997	.689417
March 30, 1997	.689417
March 31, 1997	.695265

FOREIGN CURRENCIES—Variances from quarterly rates for March 1997
(continued):

United Kingdom pound:

March 10, 1997	\$1.600500
March 12, 1997	1.593200
March 13, 1997	1.596500
March 14, 1997	1.602200
March 15, 1997	1.602200
March 16, 1997	1.602200
March 17, 1997	1.590000
March 18, 1997	1.589000
March 19, 1997	1.596800
March 20, 1997	1.594800
March 21, 1997	1.601500
March 22, 1997	1.601500
March 23, 1997	1.601500

Dated: April 1, 1997.

FRANK CANTONE,
Chief,
Customs Information Exchange.

(T.D. 97-24)

REVOCATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given that the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker license without prejudice.

<i>Port</i>	<i>Individual</i>	<i>License #</i>
New York	Joss International	14064
New York	Carlsson International Cargo, Inc.	12727

Date: April 8, 1997.

PHILIP METZGER,
Director,
Trade Compliance.

[Published in the Federal Register, April 11, 1997 (62 FR 17905)]

(T.D. 97-25)

REVOCATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given that the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker license without prejudice.

Port	Individual	License #
New York	N.Y. Redbird, Inc.	3899
New York	Meadows Wye Cardinal Air Services	5324
New York	Roberts, Reilly & Son, Inc.	03292

Date: April 8, 1997.

PHILIP METZGER,
Director,
Trade Compliance.

[Published in the Federal Register, April 11, 1997 (62 FR 17905)]

(T.D. 97-26)

REVOCATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given that the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker license without prejudice.

Port	Individual	License #
Great Falls	Charles M. Schayer, Sr.	2167

Date: April 8, 1997.

PHILIP METZGER,
Director,
Trade Compliance.

[Published in the Federal Register, April 11, 1997 (62 FR 17906)]

(T.D. 97-27)

REVOCATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given that the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker licenses without prejudice.

Port	Individual	License #
Seattle	Charles Klingforth	5519
Seattle	Marilyn Jill Michel	6441
Pembina	J. W. Kramer	2489
Pembina	Frank Moll	11759
New York	J & A Shipping Co., Inc.	4780

Date: April 8, 1997.

PHILIP METZGER,
Director,
Trade Compliance.

[Published in the Federal Register, April 11, 1997 (62 FR 17905)]

(T.D. 97-28)

REVOCATION OF CUSTOMS BROKER LICENSE

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Broker license revocation.

SUMMARY: Notice is hereby given that the Commissioner of Customs, pursuant to Section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and Parts 111.51 and 111.74 of the Customs Regulations, as amended (19 CFR 111.51 and 111.74), canceled the following Customs broker license with prejudice.

Port	Individual	License #
Portland, Maine	Arthur Anderson	6891

Date: April 8, 1997.

PHILIP METZGER,
Director,
Trade Compliance.

[Published in the Federal Register, April 11, 1997 (62 FR 17905)]

(T.D. 97-29)

FOREIGN CURRENCIES

QUARTERLY RATES OF EXCHANGE:
APRIL 1 THROUGH JUNE 30, 1997

The table below lists rates of exchange, in United States dollars for certain foreign currencies, which are based upon rates certified to the Secretary of the Treasury by the Federal Reserve of New York under provisions of 31 U.S.C. 5151, for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Country	Name of currency	U.S. dollars
Australia	Dollar	\$0.787600
Austria	Schilling	0.084926
Belgium	Franc	0.029011
Brazil	Cruzado	0.944198
Canada	Dollar	0.721241
China, P.R.	Renminbi yuan	0.120116
Denmark	Krone	0.157035
Finland	Markka	0.201005
France	Franc	0.177746
Germany	Deutsche mark	0.598444
Hong Kong	Dollar	0.129074
India	Rupee	0.027863
Iran	Rial	N/A
Ireland	Pound	1.584500
Israel	Shekel	N/A
Italy	Lira	0.000600
Japan	Yen	0.008150
Malaysia	Dollar	0.403714
Mexico	Peso	0.126342
Netherlands	Guilder	0.532085
New Zealand	Dollar	0.697300
Norway	Krone	0.148721
Philippines	Peso	N/A
Portugal	Escudo	0.005951
Singapore	Dollar	0.694830
South Africa, Republic of	Rand	0.226603
Spain	Peseta	0.007070
Sri Lanka	Rupee	0.017109
Sweden	Krona	0.131482
Switzerland	Franc	0.693145
Thailand	Baht (tical)	0.038521
United Kingdom	Pound	1.648500
Venezuela	Bolivar	0.002090

Dated: April 1, 1997.

FRANK CANTONE,
Chief,
Customs Information Exchange.



U.S. Customs Service

General Notice

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, DC, April 8, 1997.

The following documents of the United States Customs Service, Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and U.S. Customs Service field offices to merit publication in the CUSTOMS BULLETIN.

STUART P. SEIDEL,
*Assistant Commissioner,
Office of Regulations and Rulings.*

PROPOSED MODIFICATION OF RULING LETTER RELATING TO COUNTRY OF ORIGIN DETERMINATION OF TENTS

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed modification of country of origin ruling letter.

SUMMARY: Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to modify a ruling pertaining to the country of origin of tents. Comments are invited on the correctness of the proposed ruling.

DATE: Comments must be received on or before May 23, 1997.

ADDRESS: Written comments (preferably in triplicate) are to be addressed to U.S. Customs Service, Office of Regulations and Rulings, Attention: Tariff Classification Appeals Division, 1301 Constitution Avenue, NW, (Franklin Court), Washington, D.C. 20229. Comments submitted may be inspected at the Tariff Classification Appeals Division, Office of Regulations and Rulings, located at Franklin Court, 1099 14th St., N.W., Suite 4000, Washington D.C.

FOR FURTHER INFORMATION CONTACT: Josephine Baiamonte, Textile Branch, (202) 482-7058.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to modify a ruling pertaining to the country of origin of tents.

In Headquarters Ruling Letter (HQ) 958802, dated May 9, 1996, the country of origin of tents composed of materials from two or more countries was analyzed based on section 102.21(c)(5) of the Customs Regulations (19 CFR 102.21(c)(5)). Section 102.21(c)(5) states that the country of origin is the last country in which an important assembly or manufacturing process occurs. This analysis was based on the assumption that all of the materials comprising the tents were fabric. This ruling letter is set forth in "Attachment A". A review of the file for HQ 958802 has revealed that not all of the materials comprising the tent are fabric. In fact, the floor of the tents is made of PE sheet, a plastic. As such two of the six scenarios addressed in HQ 958802 (specifically scenario II and V) are in error.

At issue in this proposed modification is the proper analysis for scenarios II and V for the subject tents and consequently, the correct country of origin.

Customs intends to modify HQ 958802 to reflect the proper country of origin of the tents. Before taking this action, consideration will be given to any written comments timely received. Proposed Headquarters Ruling Letter (HQ) 958631 is set forth in "Attachment B" to this document.

Claims for detrimental reliance under section 177.9, Customs Regulations (19 CFR 177.9), will not be entertained for action occurring on or after the date of publication of this notice.

Dated: April 8, 1997.

JOHN ELKINS,
(for John Durant, Director,
Tariff Classification Appeals Division.)

[Attachments]

[ATTACHMENT A]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, May 9, 1996.
CLA-2 RR:TC:TE 958802 jb
Category: Classification

WENDY WIELAND MARTIN
KELLWOOD
600 Kellwood Parkway
Chesterfield, MI 63017

Re: Country of origin determination for tents; 19 CFR § 102.21(c)(5); last country in which an important assembly or manufacturing process occurred.

DEAR MS. MARTIN:

This is in reply to your letter dated January 26, 1996, requesting a country of origin determination for certain tents which will be imported into the United States sometime on or after July 1, 1996.

Facts:

The submitted merchandise consists of cabin and dome tents comprised of raw materials or components sourced from multiple countries. The manufacturing process is as follows:

STYLE NUMBER 89000—BACKPACKING DOME TENT

Scenario I

Country A—material for roof and walls is sourced;
Country B—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

Scenario II

Country A—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89001—CABIN TENT

Scenario III

Country A—material for roof and walls is sourced;
Country B—material for walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89004—FAMILY SIZE DOME TENT

Scenario IV

Country A—material for roof and walls is sourced;
Country B—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89001—CABIN TENT, OR STYLE NUMBER 89004—FAMILY SIZE DOME TENT

Scenario V

Country A—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89000—BACKPACKING DOME TENT, OR STYLE NUMBER 89001—CABIN TENT, OR STYLE NUMBER 89004—FAMILY SIZE DOME TENT

Scenario VI

Country A—material for roof, walls and floor is sourced;
Country D—cutting, assembly and packaging.

Issue:

What is the country of origin of the subject merchandise?

Law and Analysis:

On December 8, 1994, the President signed into law the Uruguay Round Agreements Act. Section 334 of that Act provides new rules of origin for textiles and apparel entered, or

withdrawn from warehouse, for consumption, on and after July 1, 1996. On September 5, 1995, Customs published Section 102.21, Customs Regulations, in the Federal Register, implementing Section 334 (60 FR 46188). Thus, effective July 1, 1996, the country of origin of a textile or apparel product shall be determined by sequential application of the general rules set forth in paragraphs (c)(1) through (5) of Section 102.21.

Paragraph (c)(1) states that "The country of origin of a textile or apparel product is the single country, territory, or insular possession in which the good was wholly obtained or produced." As the subject merchandise is not wholly obtained or produced in a single country, territory or insular possession, paragraph (c)(1) of Section 102.21 is inapplicable.

Paragraph (c)(2) states that "Where the country of origin of a textile or apparel product cannot be determined under paragraph (c)(1) of this section, the country of origin of the good is the single country, territory, or insular possession in which the foreign material incorporated in that good underwent an applicable change in tariff classification, and/or met any other requirement, specified for the good in paragraph (e) of this section."

Paragraph (e) states that "The following rules shall apply for purposes of determining the country of origin of a textile or apparel product under paragraph (c)(2) of this section:"

- 6301-6306 The country of origin of a good classifiable under heading 6301 through 6306 is the country, territory, or insular possession in which the fabric comprising the good was formed by a fabric-making process.

The subject tents are classified in heading 6306, HTSUSA. Of the six scenarios you have described in your submission, only in scenario VI is the fabric for the tents' outer shell sourced in a single country. Accordingly, the terms of the tariff shift apply only to scenario VI, that is, where the fabric comprising the roof, walls and floor are formed by a fabric-making process in Country A.

Paragraph (c)(3) states that "Where the country of origin of a textile or apparel product cannot be determined under paragraph (c)(1) or (2) of this section":

- (i) if the good was knit to shape, the country of origin of the good is the single country, territory, or insular possession in which the good was knit; or
- (ii) Except for goods of heading 5609, 5807, 5811, 6213, 6214, 6301 through 6306, and 6308, and subheadings 6209.20.5040, 6307.10, 6307.90, and 9404.90, if the good was not knit to shape and the good was wholly assembled in a single country, territory, or insular possession, the country of origin of the good is the country, territory, or insular possession in which the good was wholly assembled.

As the subject merchandise is not knit, and heading 6306, HTSUSA, is excepted from provision (ii), Section 102.21(c)(3) is inapplicable.

Section 102.21(c)(4) states, "where the country of origin of a textile or apparel product cannot be determined under paragraph (c)(1), (2) or (3) of this section, the country of origin of the good is the single country, territory or insular possession in which the most important assembly or manufacturing process occurred". It is the opinion of this office that in the case of the subject tents, the most important manufacturing process occurs at the time of the fabric making. As the fabric for the tents is sourced in more than one country, and no one fabric is more important than the other, country of origin cannot be readily determined based on the fabric making process. As such, paragraph (c)(4) is not applicable.

Paragraph (c)(5) states, "Where the country of origin of a textile or apparel product cannot be determined under paragraph (c)(1), (2), (3) or (4) of this section, the country of origin of the good is the last country, territory, or insular possession in which an important assembly or manufacturing process occurred." We assume for the purposes of this ruling that the De Minimis rule (see Section 102.13) does not apply to the fabrics sourced in Country A, Country B and Country C. Accordingly, in the case of scenarios I through V, country of origin is conferred by the last country in which an important assembly occurred, that is, Country D.

Holding:

In scenarios I through V the country of origin of the subject tents is Country D.

In scenario VI the country of origin of the subject tents is Country A.

The holding set forth above applies only to the specific factual situation and merchandise identified in the ruling request. This position is clearly set forth in section 19 CFR 177.9(b)(1). This sections states that a ruling letter, either directly, by reference, or by implication, is accurate and complete in every material respect.

Should it be subsequently determined that the information furnished is not complete and does not comply with 19 CFR 177.9(b)(1), the ruling will be subject to modification or

revocation. In the event there is a change in the facts previously furnished, this may affect the determination of country of origin. Accordingly, if there is any change in the facts submitted to Customs, it is recommended that a new ruling request be submitted in accordance with 19 CFR 177.2.

JOHN DURANT,
Director,
Tariff Classification Appeals Division.

[ATTACHMENT B]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC.

CLA-2 RR;TC:TE 960381 jb
Category: Classification

WENDY WIELAND MARTIN
KELLWOOD
600 Kellwood Parkway
Chesterfield, MI 63017

Re: Modification of HQ 958802, dated May 9, 1996; country of origin of tents; floor made of PE sheet; 102.21(c)(2); tariff shift.

DEAR Ms MARTIN:

On May 9, 1996, this office issued to you Headquarters Ruling Letter 958802 regarding the country of origin of several styles of tents covering six manufacturing scenarios. A review of the file has revealed that contrary to what is stated in the ruling, the floor for the subject tents is made out of PE sheet and not a fabric. Although this change in the facts does not affect all of the country of origin determinations set out in that ruling, scenarios II and V are incorrect. Accordingly, this letter will set out the proper analysis and country of origin determination for those two affected scenarios.

Facts:

The manufacturing operations discussed in HQ 958802 are as follows:

STYLE NUMBER 89000—BACKPACKING DOME TENT

Scenario I

Country A—material for roof and walls is sourced;
Country B—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

Scenario II

Country A—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89001—CABIN TENT

Scenario III

Country A—material for roof and walls is sourced;
Country B—material for walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89004—FAMILY SIZE DOME TENT

Scenario IV

Country A—material for roof and walls is sourced;
Country B—material for roof and walls is sourced;
Country C—material for floor is sourced;
Country D—cutting, assembly and packaging.

STYLE NUMBER 89001—CABIN TENT, OR STYLE NUMBER 89004—FAMILY SIZE DOME TENT

Scenario V

Country A—material for roof and walls is sourced;

Country C—material for floor is sourced;

Country D—cutting, assembly and packaging.

STYLE NUMBER 89000—BACKPACKNG DOME TENT, OR STYLE NUMBER 89001—CABIN TENT, OR STYLE NUMBER 89004—FAMILY SIZE DOME TENT

Scenario VI

Country A—material for roof, walls and floor is sourced;

Country D—cutting, assembly and packaging.

In five of the scenarios addressed in HQ 958802 as the fabric for the tents' roof, walls and floor was formed in two or more countries, a section 102.21(c)(5) (multi-country) analysis was applied which determined that the country of origin of the tents was the country in which the assembly occurred. The determinations in that ruling were premised on the fact that all of the materials which comprised the tents were fabric.

In regard to scenario VI the determination is accurate as all of the fabric and the PE sheet was sourced in Country A, and thus country of origin was conferred in Country A. Similarly, the determinations in scenarios I, III, and IV are accurate as the fabric was sourced in two countries and the PE sheet in a third country, thus, as per section 102.21(c)(5) the country of origin was Country D, that is, the last country in which an important assembly operation occurred.

Scenarios II and V however, where the manufacturing operation for the tents involves fabric for the roof and walls sourced in Country A and PE sheet for the floor sourced in Country C, are incorrect both in the analysis and the determination. This letter serves to rectify these two scenarios.

Issue:

What is the proper country of origin for the tents in scenarios II and V?

Law and Analysis:

On December 8, 1994, the President signed into law the Uruguay Round Agreements Act. Section 334 of that Act provides new rules of origin for textiles and apparel entered, or withdrawn from warehouse, for consumption, on and after July 1, 1996. On September 53, 1995, Customs published Section 102.21, Customs Regulations, in the Federal Register, implementing Section 334 (60 FR 46188). Thus, effective July 1, 1996, the country of origin of a textile or apparel product shall be determined by sequential application of the general rules set forth in paragraphs (c)(1) through (5) of Section 102.21.

Paragraph (c)(1) states that "The country of origin of a textile or apparel product is the single country, territory, or insular possession in which the good was wholly obtained or produced." As the subject merchandise is not wholly obtained or produced in a single country, territory or insular possession, paragraph (c)(1) of Section 102.21 is inapplicable.

Paragraph (c)(2) states that "Where the country of origin of a textile or apparel product cannot be determined under paragraph (c)(1) of this section, the country of origin of the good is the single country, territory, or insular possession in which the foreign material incorporated in that good underwent an applicable change in tariff classification, and/or met any other requirement, specified for the good in paragraph (e) of this section."

Paragraph (e) states that "The following rules shall apply for purposes of determining the country of origin of a textile or apparel product under paragraph (c)(2) of this section:"

6301-6306

The country of origin of a good classifiable under heading 6301 through 6306 is the country, territory, or insular possession in which the fabric comprising the good was formed by a fabric-making process.

The subject tents are classified in heading 6306, HTSUSA. The tents in scenarios II and V are made of both a fabric and a non-fabric material. As the fabric is formed in a single country, as per the terms of the tariff shift, the country of origin of the tents in scenarios II and V is the country in which the fabric making process occurred, that is, Country A.

Accordingly, HQ 958802, dated May 9, 1996, is modified to reflect Country A as the country of origin for the tents in scenarios II and V.

JOHN DURANT,

Director,

Tariff Classification Appeals Division.

United States Court of International Trade

One Federal Plaza
New York, N.Y. 10007

Chief Judge
Gregory W. Carman

Judges

Jane A. Restani
Thomas J. Aquilino, Jr.
R. Kenton Musgrave

Richard W. Goldberg
Donald C. Pogue
Evan J. Wallach

Senior Judges

James L. Watson
Herbert N. Maletz
Bernard Newman
Dominick L. DiCarlo
Nicholas Tsoucalas

Clerk

Raymond F. Burghardt



Decisions of the United States Court of International Trade

NOTICE

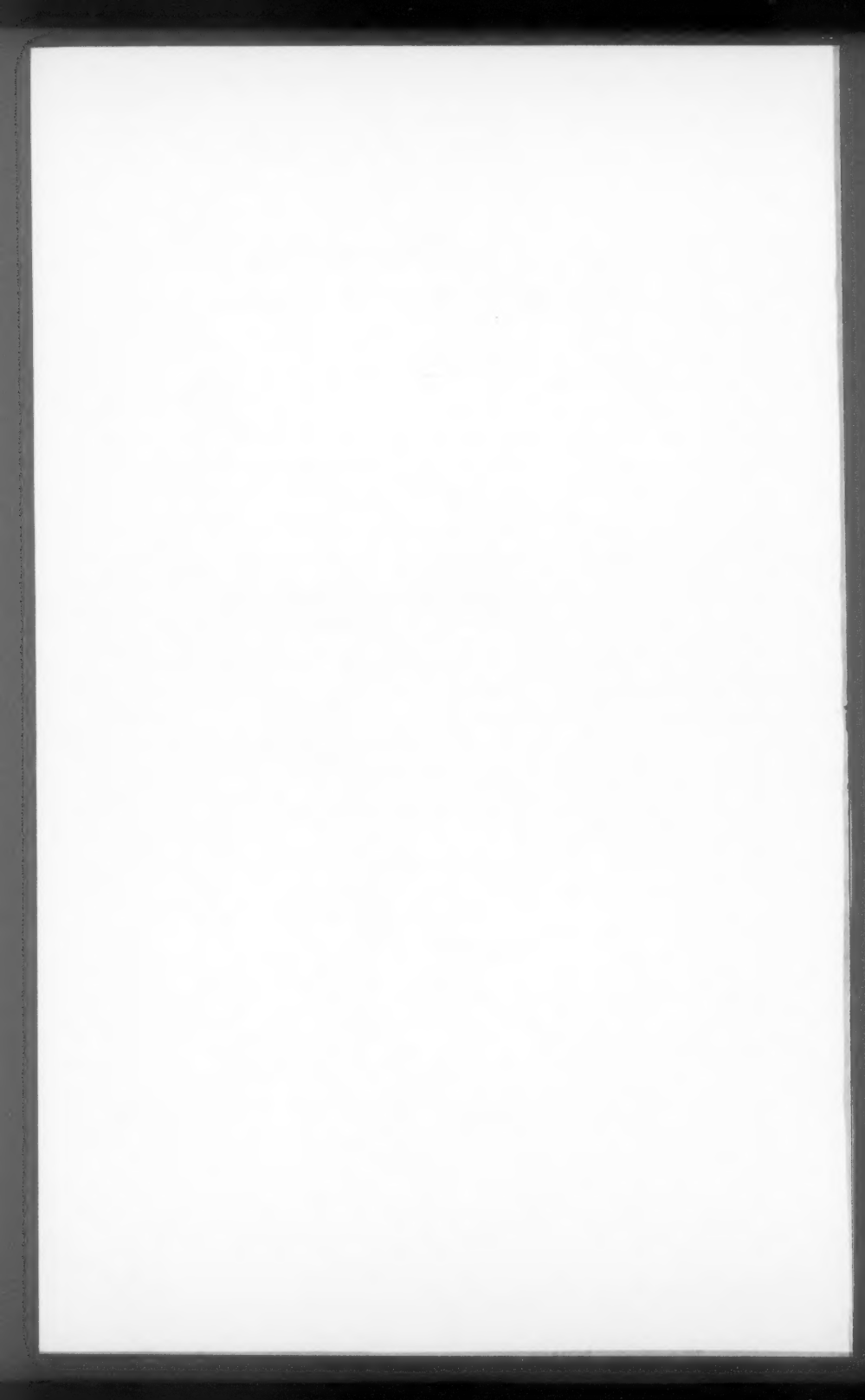
Pursuant to 28 U.S.C. § 2071(b), notice is given of certain proposed amendments to the Rules of the United States Court of International Trade. The proposed amendments were recommended by the court's Advisory Committee, which was appointed pursuant to 28 U.S.C. § 2077(b). The proposals amend Rules 5, 28, 43, 71, 82 and Form 1A.

This notice is given to provide the public, the bar and others interested in the work of the United States Court of International Trade with an opportunity to comment on the proposed amendments. The comment period is open until Thursday, May 15, 1997.

A copy of the proposed amendments may be obtained by contacting Leo M. Gordon, Assistant Clerk, at 212-264-7090.

Dated: April 7, 1997.

RAYMOND F. BURGHARDT,
Clerk of the Court.



Index

Customs Bulletin and Decisions
Vol. 31, No. 17, April 23, 1997

U.S. Customs Service

Treasury Decisions

	T.D. No.	Page
Foreign currencies:		
Daily rates for countries not on quarterly list for March 1997	97-22	2
Quarterly rates of exchange: April 1 through June 30, 1997	97-29	17
Variances from quarterly rates for March 1997	97-23	4
Recordation of trade name: "Phase II"	97-21	1
Revocation of Customs Broker License	97-24,	14,
	97-25, 97-26,	15,15,
	97-27, 97-28	16,16

General Notice

CUSTOMS RULINGS LETTERS

	Page
Tariff classification:	
Proposed modification; origin determination of tents	19

U.S. Court of International Trade

Notice

	Page
Notice of proposed amendments to the rules of the United States Court of International Trade	27



Federal Recycling Program
Printed on Recycled Paper

U.S. G.P.O. 1997-417-405-40030



